

To: Levine, Carolyn[Levine.Carolyn@epa.gov]; Blizzard, James[Blizzard.James@epa.gov]; Cohen, Nancy[Cohen.Nancy@epa.gov]; Russo, Rebecca[Russo.Rebecca@epa.gov]
Cc: Distefano, Nichole[DiStefano.Nichole@epa.gov]; Walsh, Ed[Walsh.Ed@epa.gov]; Woolford, James[Woolford.James@epa.gov]; Cheatham, Reggie[cheatham.reggie@epa.gov]
From: Wilbur, Jennifer
Sent: Fri 8/14/2015 12:21:47 PM
Subject: RE: Spill-related Questions from Senate Approps - Minority

Jim,

The Superfund Program is, generally split in two main programs – Removal and Remedial (and those are the two main appropriation splits). Within the Remedial program, the “remedial funds” may be used for, among other things, “Pipeline” activities (those that investigate the site for possible listing). The Remedial program was using those resources to assess and investigate this site – all of this is possible prior to listing on the NPL. However, the program cannot use funds to conduct “remedial action” (the long-term remediation work) without the site being listed. The Removal Program also receives Superfund resources, via a different program project, to conduct removal related activities (generally, emergency response and other shorter-term response actions). Even on listed sites, it is possible to have removal actions taking place concurrent with the remedial process, as the removal program can step in to stop the releases while a more long-term remediation strategy is put in place.

Jennifer

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From: Levine, Carolyn
Sent: Thursday, August 13, 2015 4:56 PM
To: Blizzard, James; Cohen, Nancy; Russo, Rebecca; Wilbur, Jennifer
Cc: Distefano, Nichole; Walsh, Ed
Subject: RE: Spill-related Questions from Senate Approps - Minority

Superfund Removal Program.

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From: Blizzard, James
Sent: Thursday, August 13, 2015 4:40 PM
To: Levine, Carolyn; Cohen, Nancy; Russo, Rebecca; Wilbur, Jennifer
Cc: Distefano, Nichole; Walsh, Ed
Subject: RE: Spill-related Questions from Senate Approps - Minority

Thanks all. Her response:

Thanks, very helpful. So, can you tell me what was the source of funds for this project? The paperwork suggests Superfund funds of some flavor but it's not entirely clear. And assuming that is correct, could you let me know how/when EPA has the authority to use Superfund funds for work for sites not listed on the NPL? Many thanks.

From: Levine, Carolyn
Sent: Thursday, August 13, 2015 4:14 PM
To: Blizzard, James
Subject: RE: Spill-related Questions from Senate Approps - Minority

Can you pass this on and the website link you copied this from and see if it will cover their Qs?

The state did not support NPL listing so it was never listed, technical info. is in the Action Memo (second link).

Below are links to the May 2015, fact sheet and the Action Memo for the Red and Bonita Mine site which is adjacent to the Gold King Mine. The Action Memo provides details about conditions at the Red and Bonita Mine, Gold King Mine, and other adjacent mines as of September 2014. Additional information following up on our call will be forthcoming. Please let me know if you have any questions.

<http://www2.epa.gov/sites/production/files/2015-06/documents/upper-animas-red-and-bonita-bulkhead-fact-sheet-5-22-2015.pdf>

<http://www2.epa.gov/sites/production/files/2015-06/documents/upper-animas-action-memo-9-24-2014.pdf>

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From: Blizzard, James

Sent: Thursday, August 13, 2015 12:58 PM

To: Distefano, Nichole; Levine, Carolyn; Russo, Rebecca; Cohen, Nancy

Subject: RE: Spill-related Questions from Senate Approps - Minority

From EPA Region 8 website – seems to get to the heart of Rachel's questions, but I'll wait for Carolyn for answers

Background

EPA and the Colorado Department of Public Health and Environment (CDPHE) conducted a Superfund Site Assessment of the site in the 1990s. This assessment identified the severe impacts to aquatic life in the UA and its tributaries from naturally occurring and mining-related heavy metals. It also acknowledged the community-based collaborative effort that was under way at that time to address those impacts. In recognition of the community-based collaborative effort, EPA agreed to postpone adding all or a portion of the site to the Superfund National Priorities List (NPL), as long as progress was being made to improve the water quality of the Animas River.

In support of the collaborative effort, EPA's Superfund Remedial program has contributed resources for water quality sampling, ecological risk assessment and data analysis. In addition, the Superfund Removal program has contributed resources for the investigation and closure (bulkheading) of the Red and Bonita Mine tunnel.

EPA, through its Ecosystem Protection program, also provides the Colorado Water Quality Division of CDPHE with Nonpoint Source Management program (Section 319) grant funds. ARSG and others have received grants under that program for investigation and cleanup efforts in the watershed.

Until approximately 2005, water quality in the Animas River was improving. However, since 2005, water quality in the Animas River has not improved and, for at least 20 miles below the confluence with Cement Creek, has declined significantly.

Because of this declining water quality in the Animas River, in 2008, EPA's Superfund Site Assessment program began investigations in Upper Cement Creek focused on evaluating whether the Upper Cement Creek area alone would qualify for inclusion on the NPL. This evaluation indicated that the area would qualify, although after receiving additional community input, EPA again postponed efforts to include the area on the NPL. Since that time, EPA has continued and broadened its investigations of conditions at the site in order to understand the major sources of heavy metal contamination in the UA.

From: Blizzard, James

Sent: Thursday, August 13, 2015 12:43 PM

To: Distefano, Nichole; Levine, Carolyn; Russo, Rebecca; Cohen, Nancy

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- 1) Was the site of the spill once proposed as a SF site, but not made one because of local or state opposition?
- 2) What authority/source of funds was EPA operating under/spending at this site?
- 3) What other authorities/sources of funds does EPA use for abandoned mine cleanup?